

**Amendment and Response [Under 37 C.F.R. §1.116 - Expedited Examining Procedure]**

Page 9 of 11

Serial No.: 09/877,220

Confirmation No.: 8535

Filed: June 8, 2001

**For: METHODS FOR TREATING NEUROPATHOLOGICAL STATES AND NEUROGENIC  
INFLAMMATORY STATES AND METHODS FOR IDENTIFYING COMPOUNDS USEFUL THEREIN****Remarks**

The Office Action mailed December 23, 2004 has been received and reviewed. Claims 20-21, 24, 29, 32-33, 36-45, 48-53, and 56-65 having been canceled, and claims 68-87 having been added, the pending claims are claims 30, 31, 34, 35, 46, 47, 54, 55, and 68-87. Applicants reserve the right to prosecute the canceled claims in a continuing application. Reconsideration and withdrawal of the rejections are respectfully requested.

New claims 68, 72, 76, 80, 84, and 86 are supported by, for instance, originally filed claim 21. New claims 69, 73, 77, 81, 85, and 87 are supported by the specification at, for instance, page 10, lines 27-28. New claims 70-71, 74-75, 78-79, and 82-83 are supported by the specification at, for instance, page 11, line 23, through page 12, line 16.

**Allowable subject matter**

Claims 30 and 31 were considered by the Examiner to be allowable if rewritten in independent form including all of the limitations of the base claim. Claims 30 and 31 have been amended to include the subject matter of independent claim 29, and claim 29 has been canceled. Allowance of claims 30 and 31 is respectfully requested.

The Examiner is requested to note that the claims rejected in the Office Action mailed December 23, 2004, have been canceled. Claims 68-87 have been added, and these claims depend from independent claims which are considered to be allowable by the Examiner. Further, the new claims are drawn to subject matter presented earlier during prosecution (see, for instance, now canceled claims 38, 39, 42, and 43) that the Examiner has already considered. No additional search or examination is necessitated by the amendment, nor is any substantial amount of additional work required on the part of the Patent Office or the Examiner. Accordingly, allowance of the pending claims is respectfully requested.

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**The 35 U.S.C. §102 Rejection**

The Examiner rejected claims 20, 21, 32, 33, 36, 37, and 42-45 under 35 U.S.C. §102 as being anticipated by Rao et al. (*Neuron*, 19(801-812)1997). Applicants respectfully maintain the traverse of this rejection. In the interests of furthering prosecution, claims 20, 21, 32, 33, 36, 37, and 42-45 are canceled, thereby rendering the rejection moot.

**The 35 U.S.C. §103 Rejection**

The Examiner rejected claims 24, 29, 38, 39, 48, 49, 52, 53, 56, 57, and 60-65 under 35 U.S.C. §103 as being unpatentable over Rao et al. (*Neuron*, 19(801-812)1997) in view of Wang et al. (*PNAS*, 93(1721-1725)1996). Applicants respectfully maintain the traverse of this rejection. In the interests of furthering prosecution, claims 24, 29, 38, 39, 48, 49, 52, 53, 56, 57, and 60-65 are canceled, thereby rendering the rejection moot.

The Examiner rejected claims 38-41, 48-51, 58, 59, 64, 66 and 67 under 35 U.S.C. §103 as being unpatentable over Rao et al. (*Neuron*, 19(801-812)1997) in view of Ehlers et al. (*Science*, 269(1734-1737)1995). Applicants respectfully maintain the traverse of this rejection. In the interests of furthering prosecution, claims 38-41, 48-51, 58, 59, and 64 are canceled, thereby rendering the rejection moot.

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It is respectfully submitted that the pending claims 30, 31, 34, 35, 46, 47, 54, 55, and 68-87 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
High et al.

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March 23, 2005  
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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23<sup>rd</sup> day of March, 2005, at 10:40 AM (Central Time).

By: Sara E. Olson  
Name: Sara E. Olson